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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/532,687	03/22/2000	David W. Livingston	97-1834

CONFIRMATION NO. 8857

ABANDONMENT/TERMINATION  
LETTER

\*OC000000007191972\*

Intellectual Property Office  
The Pennsylvania State University  
113 Technology Center  
University Park, PA 16802

Date Mailed: 12/13/2001

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 05/26/2000.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

06/27/2002 AWONDAF1 00000162 09532687

02 FC:205

65.00 OP

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DAC #

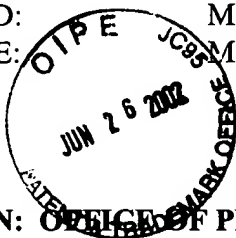
PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Livingston, et al.  
SERIAL NO: 09/532,687  
FILED: March 22, 2000  
TITLE: MOSS CONTROL COMPOSITION

GROUP ART NO: 1616

EXAMINER:

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## TRANSMITTAL LETTER

ATTN: OFFICE OF PETITIONS  
CHARLEMA R. GRANT, ESQ.

To the Commissioner of Patents and Trademarks  
Box DAC  
Washington, D.C. 20231

Dear Madam:

In response to the Petition to Withdraw the Holding of Abandonment, mailed on May 20, 2002, enclosed please find the following documents:

- (1) RENEWED Petition for Revival of an Application for Unavoidable Abandonment Under 37 C.F.R. § 1.137(a) and/or for Unintentional Abandonment Under 37 C.F.R. § 1.137(b)
  - (a) A copy of the Notice of Abandonment
  - (b) Declaration of Ruth A. Harpster, with attachments including a copy of The Pennsylvania State Docketing System
  - (c) A check for \$55.00
- (2) Response to the Notice to File Missing Parts of Nonprovisional Application
  - (a) A copy of the Notice to File Missing Parts of Nonprovisional Application
  - (b) Declaration for Utility or Design Patent Application
  - (c) Power of Attorney Statement Under 37 C.F.R. § 3.73(b)
  - (d) A check for \$65.00

## =====

## CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

I hereby certify that this document and the documents referred to as enclosed therein are being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231, on this 19 day of June, 2002.

Heidi S. Nebel

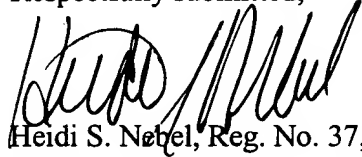
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If any additional fees are needed, please charge Deposit Account No. 26-0084.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Heidi S. Nebel', written over the printed name.

Heidi S. Nebel, Reg. No. 37,719  
McKEE, VOORHEES & SEASE  
ATTORNEYS OF RECORD

801 Grand - Suite 3200  
Des Moines, Iowa 50309-2721  
515-288-3667 -sk



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Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/532,687	
	Filing Date	3/22/00	
	First Named Inventor	D. Livingston	
	Group Art Unit	1616	
	Examiner Name		
Total Number of Pages in This Submission	3	Attorney Docket Number	97-1834

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input checked="" type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

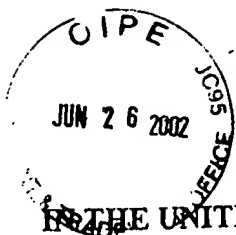
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Livinia N. Jones (Recognized under 37 CFR Sec. 10.9) Pamela A. Ruest (40,795)
Signature	<i>L. Jones</i>
Date	March 22, 2001

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 3/22/01	
Typed or printed name	Diane Swanger
Signature	<i>Diane Swanger</i>
Date	3/22/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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Applicant(s) : D. Livingston )

Ser. No. : 09/532,687 )

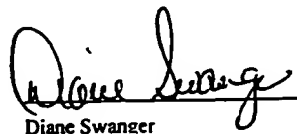
Filed : March 22, 2000 )

For: Moss Control Composition )

Art Unit : 1616 )

Examiner )

I hereby certify that this paper is being  
deposited with the United States Postal  
Service as First Class Mail, in an envelope  
addressed to the Assistant Commissioner  
for Patents, Washington, D. C. 20231, on  
March 22, 2001

  
Diane Swanger

STATUS INQUIRY

Assistant Commissioner for Patents  
Washington, D.C. 20231


Dear Sir:

1) We are writing to inquire about the status of the above-identified patent application. The last communication that we received was the Official Filing Receipt, mailed on May 26, 2000. We have not received any correspondence since that time. Please advise in writing.

Respectfully submitted,

McQUAIDE BLASKO, INC.

Date: March 22, 2001

By:   
Livinia N. Jones  
Recognized under 37 CFR § 10.9  
Pamela A. Ruest  
Registration No. 40,795  
811 University Drive  
State College, PA 16801  
(814) 238-4926

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file:///c:/APPS/preexam/correspondence/1.htm

**FILING RECEIPT**



\*OC000000005141446\*



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: ASSISTANT SECRETARY AND  
COMMISSIONER OF PATENT AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/532,687	03/22/2000	1616	345	97-1834		11	3

Intellectual Property Office  
The Pennsylvania State University  
113 Technology Center  
University Park, PA 16802

Date Mailed: 05/26/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

David W. Livingston, Julian, PA ;

**Continuing Data as Claimed by Applicant**

**Foreign Applications**

If Required, Foreign Filing License Granted 05/25/2000

**\*\* SMALL ENTITY \*\***

**Title**

Moss control composition

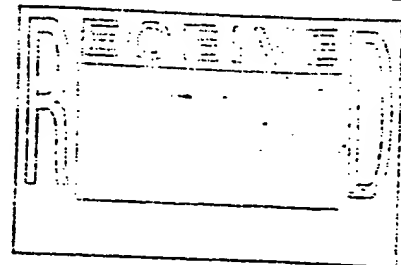
**Preliminary Class**

504

Data entry by : BLACK, NICOLE

Team : OIPE

Date: 05/26/2000



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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 36 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

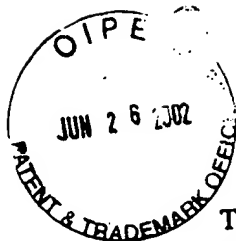
No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 600 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231



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THIS WILL ACKNOWLEDGE RECEIPT IN THE MAIL ROOM ON  
THE DATE INDICATED BY THE DATE STAMP OF:

1 Utility Patent Application Transmittal  
1 Fee Transmittal Form (in duplicate)  
1 Small Entity Statement  
1 Express Mail Certificate  
1 Declaration (unexecuted)  
15 pages of Specifications  
1 Information Disclosure Statement  
7 samples of Prior Art

Applicant: DAVID W. LIVINGSTON  
Docket No.: 97-1834  
Filed: March 22, 2000  
For: MOSS CONTROL COMPOSITION

EL552881065US

THIS WILL ACKNOWLEDGE RECEIPT IN THE MAIL ROOM ON  
THE DATE INDICATED BY THE DATE STAMP OF:

1 Utility Patent Application Transmittal  
1 Fee Transmittal Form (in duplicate)  
1 Small Entity Statement  
1 Express Mail Certificate  
1 Declaration (unexecuted)  
15 pages of Specifications  
1 Information Disclosure Statement  
7 samples of Prior Art

Applicant: DAVID W. LIVINGSTON  
Docket No.: 97-1834  
Filed: March 22, 2000  
For: MOSS CONTROL COMPOSITION

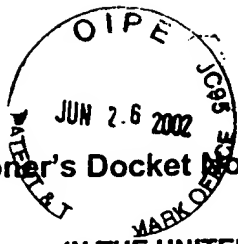


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Practitioner's Docket No.:

97-1834

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: DAVID W. LIVINGSOTON

Serial No.:

Group No.:

Filed: March , 2000

Examiner:

For: MOSS CONTROL COMPOSITION

Assistant Commissioner for Patents  
Washington D.C. 20231

### EXPRESS MAIL CERTIFICATE

"Express Mail" label number: EL552881065US

Date of Deposit: March 22, 2000

I hereby state that the following *attached* paper or fee:

- 1 Fee Transmittal Form (in duplicate)
- 1 Utility Patent Application
- 1 Small Entity Statement
- 1 Declaration (unexecuted)
- 15 pages of Specifications
- 1 Information Disclosure Statement
- 7 samples of Prior Art
- 1 Return Receipt Postcard

Is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Ruth A. Harpster

Typed or printed name of person mailing paper or fee

Ruth A. Harpster

Signature of person mailing paper or fee

**NOTE:** The label number need not be placed on each page. It should, however, be placed on the first page of each separate document, such as, a new application, amendment, assignment, and transmittal letter for a fee, along with the certificate of mailing by "Express Mail". Although the label number may be on checks, such a practice is not required. In order not to deface formal drawings, it is suggested that the label number be placed on the back of each formal drawing or the drawings be accompanied by a set of informal drawings on which the label is placed.

(Express Mail Certificate (8-3))

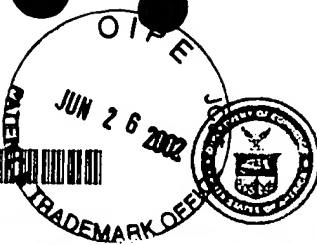
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## FORMALITIES LETTER

OC00000005141448\*

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Patent and Trademark OfficeAddress: COMMISSIONER OF PATENT AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/532,687	03/22/2000	David W. Livingston	97-1834

Intellectual Property Office  
The Pennsylvania State University  
113 Technology Center  
University Park, PA 16802

Date Mailed: 05/26/2000

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The oath or declaration is unsigned.

To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The balance due by applicant is \$ 65.

*A copy of this notice MUST be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

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